

UNITED STATES DISTRICT COURT **FILED**for the
Western District of TexasDecember 13, 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUnited States of America
v.BY: AD
DEPUTYCase No.
1:21-mj-1003-DHNicolas Bahena*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 10, 2021 in the county of Travis in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 21 U.S.C. § 841

21 USC 841(a)(1) Possession with the intent to distribute in excess of
500 grams or more of heroin.21 USC 841(a)(1) Possession with the intent to distribute in excess of
500 grams or more of cocaine.

This criminal complaint is based on these facts:

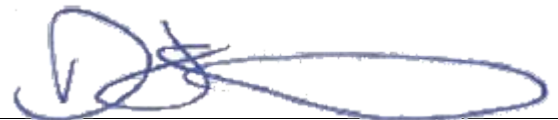
See Attached Affidavit

☒ Continued on the attached sheet.
Complainant's signature

James Byrnes, DEA Task Force Officer

Printed name and title

- ☐
- Sworn to before me and signed in my presence.
-
- ☒
- Sworn to telephonically and signed electronically.

Date: 12/13/2021*Judge's signature*City and state: Austin, Texas

Hon. Dustin Howell, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

The Affiant being duly sworn does depose and state the following:

1. Affiant is Detective J. Byrnes with the Austin Police Department's Organized Crime Division, and is currently assigned to the Drug Enforcement Administration as a full time Task Force Officer. Affiant has been a Texas Peace Officer since 2010. Affiant's full time duties are to investigate the possession, distribution, and manufacturing of illegal drugs. Affiant has investigated numerous cases in which individuals sell, manufacture, possess, and traffic illegal narcotics.
2. During my employment as a Task Force Officer, I have received specialized training regarding, and have personally participated in, various types of investigative activity, including, but not limited to, the following: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants and other individuals who have knowledge concerning violations of federal narcotics laws; (c) undercover operations; (d) the execution of search warrants; (e) the consensual monitoring and recording of conversations; (f) electronic surveillance through the use of pen registers and trap and trace devices; (g) the court-authorized interception of both wire and electronic communications (i.e., Title III wiretaps); and (h) the handling and maintenance of evidence.
3. This Affidavit is made for the limited purpose of establishing probable cause in support of a Criminal Complaint alleging that Nicolas Bahena committed the offense of possession with intent to distribute 500 hundred grams or more of cocaine and heroin, in violation of 21 U.S.C. § 841. Since this Affidavit is for the limited purpose of establishing probable cause to support the Criminal Complaint, it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and the events described in this Affidavit.
4. The statements made in this Affidavit are based in part on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement officers; and (c) the training and experience of myself and other law enforcement agents and officers.
5. On 12-09-2021, Pflugerville PD Street Crimes Unit Detective Lee Van Noy sought and received a state search warrant in Travis County, TX authorizing law enforcement to search the residence(s) located at 1905 Prairie Knoll Ct #A, Austin, TX and 1905 Prairie Knoll Ct #B, Austin, TX. These target locations are both sides of a duplex housing unit. Both residences are known to be frequented by Bahena and #B is known to be his full-time residence.

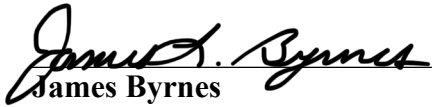
6. On 12-10-2021, Austin DO DEA Agents, assisted by Pflugerville PD Street Crimes Unit (SCU) conducted a search warrant operation that led to the arrest of Nicolas Bahena (DOB: 07-19-1994).
7. At approximately 8:00am, law enforcement established surveillance in the vicinity of 1905 Prairie Knoll Ct, Austin, TX. At approximately 9:30am, surveillance observed Bahena exiting 1905 Prairie Knoll Ct #A and entering his silver Lexus Sport Utility Vehicle. Once Bahena departed, law enforcement conducted a felony traffic stop of Bahena at the intersection of Gracy Farms Lane and Lochridge Dr (approximately ¼ mile from the target residences). Bahena was detained and law enforcement returned to 1905 Prairie Knoll #A and #B and executed the search warrants.
8. During the execution of the search warrant on 1905 Prairie Knoll #A, law enforcement seized two semi-automatic pistols from the master bedroom closet concealed within a laundry basket. Both firearms were unloaded and in cases. No other contraband was seized from this residence. During a post arrest interview and under a rights advisement and waiver, Bahena claimed ownership of the pistols seized from #A and even described the optic and engraving on the pistols.
9. During the execution of the search warrant on 1905 Prairie Knoll #B, (primary residence of Bahena) law enforcement located a large Cannon gun safe in the master bedroom of the residence. Once the safe was opened, law enforcement located approximately 3143 grams of cocaine, 985 grams of heroin and approximately \$53,846 inside of the safe. Law enforcement also seized a revolver from inside of the safe and a loaded semi-auto pistol on top of the safe that contained the cocaine and heroin. All drugs field-tested positive for the presence of cocaine and heroin respectively. Law enforcement also located 4646 grams of counterfeit Oxycodone (blue 30s), 53.4 ounces of marijuana in the residence and an additional 312 grams of cocaine and 51 grams of methamphetamine in the garage of #B.
10. At the time the search warrant was executed, two adult females were encountered on side A of the residence, later identified as Angela Bahena (19) and Kim Nieto (22). On side B, law enforcement encountered Anna Ashley Flores Jaimes (24), whom Nicolas Bahena referred to as his wife. Nicolas advised law enforcement, during a post arrest interview and under a rights advisement and waiver, that Jaimes did not have knowledge of the narcotics. At the conclusion of the investigation, Jaimes was placed under arrest on state related charges.

CONCLUSION

11. Based on the facts set forth above, I respectfully submit that there exists probable cause to charge Nicolas Bahena with a violation of Title 21, United States Code, Section 841,

possession with intent to distribute 500 hundred grams or more of a mixture or substance containing a detectable amount of cocaine and possession with intent to distribute 500 hundred grams or more of a mixture or substance containing a detectable amount of heroin.

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.



James Byrnes
Task Force Officer
Drug Enforcement Administration

Sworn to telephonically and signed electronically on December 13th, 2021



HON. DUSTIN HOWELL
UNITED STATES MAGISTRATE JUDGE